

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

COLTON BRANTANO,

Plaintiff,

v.

DANIA BATISTE, *et al.*,

Defendants.

Case No. 3:21-cv-00190-MMD-WGC

ORDER

Pro se Plaintiff Colton Brantano brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge William G. Cobb (ECF No. 4), recommending the Court dismiss this case without prejudice for noncompliance with Judge Cobb’s prior order that warned Mr. Brantano his case would be dismissed if Mr. Brantano did not either complete an application to proceed *in forma pauperis* or pay the filing fee. Plaintiff had until September 30, 2021, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss this case without prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory

1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation.”).


3 Because there is no objection, the Court need not conduct de novo review, and is
4 satisfied Judge Cobb did not clearly err. Here, Judge Cobb previously ordered Mr.
5 Brantano to complete an application to proceed *in forma pauperis* or pay the filing fee, or
6 face dismissal. (ECF No. 3.) Mr. Brantano did not timely comply with that order. (ECF No.
7 4 at 1.) Judge Cobb accordingly recommends the Court dismiss this case. (*Id.* at 1-2.)
8 The Court agrees with Judge Cobb. Having reviewed the R&R and the record in this case,
9 the Court will adopt the R&R in full.

10 It is therefore ordered that Judge Cobb’s Report and Recommendation (ECF No.
11 4) is accepted and adopted in full.

12 It is further ordered that this case is dismissed, in its entirety, without prejudice, for
13 failure to comply with Judge Cobb’s prior order.

14 The Clerk of Court is directed to close this case.

15 DATED THIS 5th Day of October 2021.

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20 MIRANDA M. DU
21 CHIEF UNITED STATES DISTRICT JUDGE
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